

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of J.A.N., and I.D.J., Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TASHION T. JONES,

Respondent-Appellant,

and

JOEL A. NIX and GEORGE REECE,

Respondents.

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UNPUBLISHED  
February 11, 2010

No. 293860  
Cass Circuit Court  
Family Division  
LC No. 08-000006-NA

Before: Talbot, P.J. and Whitbeck and Owens, JJ.

PER CURIAM.

Respondent Tashion T. Jones appeals as of right from an order that terminated her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm.

Clear and convincing evidence existed to support the trial court's decision to terminate respondent's parental rights. MCL 712A.19b(3); *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). J.A.N. and I.D.J. came into care in January 2008 after J.A.N. suffered extensive physical injuries while in the care of his grandmother, LaDonna Jones. J.A.N. and his three older siblings had been in Jones's care in Virginia since January 2007. Respondent placed I.D.J., who was born in February 2007, with her grandmother, Ethel Travis, in Michigan in November 2007 for an extended "visit." Jones brought the children from Virginia to Michigan to be with Travis in January 2008, indicating that she could no longer care for J.A.N. because of his behavior. Travis did not notice J.A.N.'s injuries until she gave him a bath approximately two days after his arrival. He had a severe head injury and other bruises and lacerations on his body. Travis took J.A.N. to the hospital and called respondent, who was living in Wisconsin. Both J.A.N. and I.D.J. were being removed from Travis's care. Respondent's three other children and respondent were allowed to remain in Travis's home. There were never allegations of abuse or neglect with regard to those children.

Respondent pleaded to the allegations in February 2008, and the dispositional hearing took place in March 2008. By that time, respondent had undergone a psychological evaluation and a drug abuse assessment. Neither was particularly in her favor. Dr. Haugen found that respondent showed a “broad pattern of difficulties with maintaining stability in life” because she had problems with marijuana, housing, relationships, education, and work. Respondent would have a tendency to be easily overwhelmed and would “easily give up in the face of adversity and defer parenting responsibilities.” Respondent had Dysthymic disorder, long-term depression, and adjustment disorder. The personality diagnosis made long-term, sustained change “very difficult.” It would be difficult for someone with respondent’s history to put the needs of a child before her own. Haugen’s prognosis for respondent was “poor” because she had such long-term and pervasive issues, including a history of releasing her children to others. Haugen would expect to see six to nine months of follow-through with services before concluding that there had been sustained change.

Tiffany Centers performed the substance abuse assessment early in the case and found that respondent was in the pre-contemplation stage in which she still could not appreciate the problem. Respondent’s marijuana dependence would have “a huge impact” on respondent’s ability to parent. Centers would expect a person to abstain for six months before considering that individual to have internalized real change.

J.A.N. underwent an assessment at the Children’s Trauma Assessment Center (CTAC), which revealed that he had major delays in several areas. His speech and language functions were below average, and he had a hard time communicating his needs. From an attention standpoint, J.A.N. needed “scaffolding,” meaning each task had to be broken down into parts. It required an understanding of childhood development and patience. J.A.N. would have lifelong delays and deficits from fetal alcohol exposure and from physical abuse. He would have trouble learning to trust people. Sometimes a child with J.A.N.’s deficits had behaviors that could be misinterpreted as disobedient or willful when, in fact, the child was merely trying to process his surroundings. A parent distracted with other issues would have a difficult time with “attunement” and recognizing when the child has become agitated. Although respondent was anxious to have her children back, she did not “clearly express concern of the impact that these injuries had on [J.A.N.’s] overall welfare, short-term and long-term.” A substance-abusing parent would have a very difficult time remaining attuned to J.A.N.’s special needs because such parents tended to be less emotionally available. Permanency was essential for J.A.N.

Respondent’s treatment plan included housing, income, parenting classes, substance abuse treatment, random drug screens, and visiting with the children. Substance abuse was the main barrier to reunification. The evidence shows that respondent tested positive for marijuana as late as February 2009, but she appeared to be drug-free from that time until her parental rights were terminated in July 2009. Respondent had finally recognized that she had a problem, but she was not sure what the best course of action would be. She failed to offer documentary evidence that she attended AA/NA classes. Following a three-month adjournment to afford respondent additional time to comply with services, respondent missed several screens and tested positive for a screen after taking a Tylenol 3. Respondent also missed appointments with her counselors. Thus, while respondent may have benefitted from better services early on in the case, it was clear that her substance abuse problem remained an issue. This was of particular concern as it pertained to J.A.N., who had many special needs. His assessment revealed that he needed a

caregiver who was patient, observant, and “attuned” to his needs. A parent abusing drugs would not likely provide J.A.N. with the care he needed. The issue then became whether respondent should have been given more time to benefit from services.

Respondent’s therapist, Suzanne Coleman, testified that respondent was on track for changing her life around and pulling things together. Coleman believed that respondent was meeting the goals of her PAA and making progress. Even Coleman was frustrated with how the case had been handled. Respondent had not been allowed to visit with the children initially, which was detrimental to their bond. Also, the agency did not facilitate enough therapeutically driven sessions between respondent and the children. In spite of these failures, respondent seemed to have become a more “keen observer” of her children. Coleman did not believe that respondent was a threat to her children. Although she was still learning, respondent deserved “some time to get her life together, so that she can try to be a good parent.”

Parenting coach Mary Ann Geiser’s negative testimony regarding respondent’s interaction with the children was in direct contrast to the caseworker’s positive testimony. Respondent began visiting with I.D.J. in June 2008 and J.A.N. in August 2008. Caseworker Faber/Otto testified that respondent attended all of the available visits with the children. Respondent did well with the children and they responded to her. There was only one instance in which respondent was inappropriate by teasing J.A.N. for still being in a pull-up, but other than that respondent was very appropriate with the children. The children responded positively to her, and they engaged in activities that promoted attachment. Respondent effectively communicated with them and was able to comfort them when they did not feel well. Respondent was also interested in the children’s health and asked often about how J.A.N. was doing.

Although the consensus was that respondent was on the right track, even her greatest supporter, Suzanne Coleman, acknowledged that respondent would need additional time. Geiser, who was critical of respondent, reported that she would “love to see respondent have another year of services.” The question then became whether J.A.N. and I.D.J. could wait that long. In terminating respondent’s parental rights, the trial court made the following observations:

I think the record’s clear that Mom has made progress, but I believe that Mother still has substance abuse issues, and has not made the progress that we need to be making 19 months into the case.

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I think it’s very critical to look at what happened when we delayed the trial. And when we delayed the trial, we still got a positive screen, we got missed appointments, even missed appointments with Suzanne Coleman, who I thought was a very effective advocate for Mother. I believe Mother is recognizing that she needs to make changes, but I think it’s clear that she is in the very early stages still, of those changes; and the two experts, Ms. Coleman and Ms. Geiser, indicate that we need an additional year. And as I indicated, that’s 31 months, and it’s clear from the CTAC reports, that these children need permanency.

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[U]ntil Mother has housing, employment, and is sober, and can understand the needs of her children, she's not going to be ready for parenting. And those changes, because of her chronic history, will take more time, and unfortunately, I do not feel that J.A.N. and I.D.J. have that additional time, because of their significant needs that make – and their need for permanency.

We find the trial court's observations to be well reasoned. The trial court had already demonstrated patience with respondent in granting an adjournment to allow her to benefit from several months of services. Unfortunately respondent did not put her best foot forward. The conditions leading to adjudication continued to exist, and respondent was not in a position to provide the children with proper care or custody. The determination that another year of services would have been an unreasonable delay for the children was not clearly wrong. Additionally, Haugen testified that respondent would have a tendency to simply defer to others and allow them to care for the children. She had already allowed Jones to care for three of her children, with disastrous results. That is not to say that respondent is responsible for her mother's actions, but respondent's tendency to allow others to care for her children did place them at future risk.

The next question is whether termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5). In spite of Geiser's testimony to the contrary, there was ample evidence from other witnesses that respondent and the children shared a strong bond and that the children reacted positively to respondent. J.A.N. and I.D.J. also enjoyed sibling visits, which the caseworker assured the court would continue regardless of its decision. J.A.N. and I.D.J.'s further contact with their siblings might cause confusion regarding their relationship, or lack thereof, with their mother. Nevertheless, the evidence certainly supported a conclusion that the children, especially J.A.N., required permanence and stability. One important consideration is the fact that respondent, by her own admission, did not have any of her children in her custody since January 2007. If there was any strain in the parent-child bond, respondent certainly bore the bulk of the responsibility. J.A.N. had special needs and required a caregiver that would remain patient and "attuned" to those needs. Respondent was simply not able to do so. Both J.A.N. and I.D.J. were entitled to permanence and stability, which respondent was not ready to provide. Therefore, termination of respondent's parental rights was in the children's best interests.

Affirmed.

/s/ Michael J. Talbot  
/s/ William C. Whitbeck  
/s/ Donald S. Owens